

# **APPENDIX I**



Attorney Docket: 845-002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Kuighadush

Group Art Unit: 3727

Serial No.: 09/669,245

Examiner: Moy, J.

Filed: September 25, 2000

For: RETRACTABLE STRAW FOR DRINKING CONTAINERS

**DECLARATION OF SIDI BERRI, PH. D., Under 37 C.F.R. § 132**

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I, Sidi Berri, declare as follows:

1. I am presently employed as Assistant Professor of Mechanical Engineering at the New York City College of Technology, City University Of New York (NYCCT). I hold a bachelor of Science degree from the University Of Science and Technology in Algeria (1991), and a Master of Science degree (1997) and a Doctor of Philosophy degree (2000) in Mechanical Engineering from Polytechnic University, Brooklyn, New York. I am a member of American Society of Mechanical Engineers (ASME).
2. I have conducted extensive research in Mechanical Vibrations, dynamic structures and Finite Elements. I have been teaching at NYCCT since the year 2000.

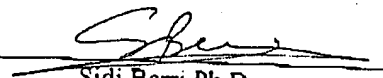
3. I have taught college courses in design and manufacturing. As part of my academic and teaching experience I have been involved with many design and manufacturing issues. During this time I have prepared, reviewed and interpreted many mechanical drawings.
4. I have reviewed the above-identified patent application, including the claims, and the Examiner's comments in his Office Action dated March 10, 2003.
5. Specifically, with respect to claim 15 of the application, the claim calls for an extendable straw, wherein the lower portion of the straw "extends downwardly against said first side wall, and wherein said upper portion is coupled with an inner side of said cap...." The Examiner states that this claim feature is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed has possession of the invention.
6. The Examiner further states that Figures 9A and 9B only show interrupted lines to indicate a straw is broadly located inside the container. According to the Examiner, the specific orientation of the lower portion of the straw is not shown.
7. In my opinion, Figures 9 A and 9 B do not exhibit any ambiguity. They clearly illustrate a straw that extends against the wall of the container. The dotted lines depicting the straw are extended in parallel with both sides of the surface of the wall the straw extends along. As such the distance from the top portion of the straw to each side of the wall is equal to the distance from the lower portion of the straw to each corresponding side. The

lower part of the straw is clearly shown in Figs. 9A and 9B parallel to the side edges of the container.

8. I have also reviewed Figs. 8A and 8B of the application. My opinion regarding claims 9A and 9B are even more apparent in view of Fig 8 drawings, wherein the dotted lines representing the straw are not extended in parallel to the sides of a surface of the container. As such the dotted line of Figs 8A and 8B represent a straw that is floating within the container.

9. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/8, 2003

  
Sidi Berri Ph.D.